

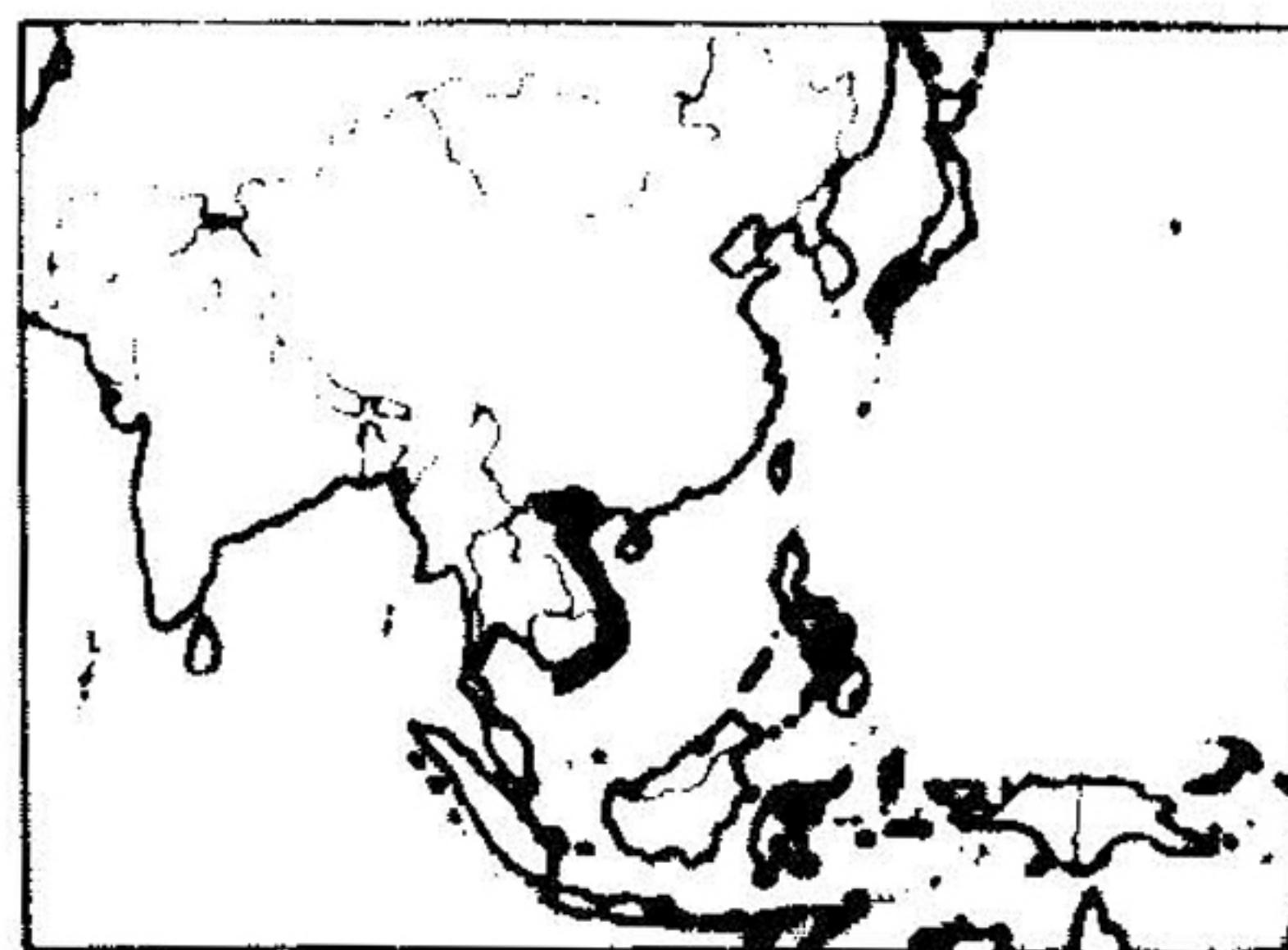
AMNESTY INTERNATIONAL REPORT

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but Amnesty International noted one report claiming that five people had been executed in 1982. No figure was available for 1983. Executions take place in Bangkok's Bang Khwang Prison, and a press report in March 1983 discussing the prison's recent acquisition of two West German-made machine-guns to be used for carrying out death sentences noted that 16 people were awaiting execution, having exhausted all appeal procedures. In May 1983 it was reported that 121 people were under sentence of death in the country.

Finally, Amnesty International was concerned to learn in 1983 of the reported "disappearance" of a Vietnamese refugee from Sikhiu refugee camp. Four witnesses claimed to have seen the refugee, Le van Hai, taken out of the camp by armed Thai guards after being interviewed by the deputy commander of the centre on 12 September 1982.

In its December 1983 letter to the Prime Minister, Amnesty International called on the Thai Government to investigate the "disappearance" fully and to make the results of the inquiry public.



Viet Nam

Amnesty International continued to be concerned about the long-term detention without trial of thousands of members of the former South Vietnamese Government in "re-education" camps. It was also concerned about other categories of

political prisoner in Viet Nam whom the organization had adopted as prisoners of conscience. The absence of adequate legal safeguards to protect detainees in pre-trial detention and the use of the death penalty remained other Amnesty International concerns in Viet Nam.

In a submission to the Vietnamese Government in April 1983, Amnesty International pointed out that the majority of detainees in "re-education" camps had been detained without charge or trial for more than eight years. The organization urged the government to abolish detention without trial for "re-education" and to investigate the cases of untried detainees in order either to charge and try them or to release them promptly.

Those detained in "re-education" camps were held under a decree of the former Democratic Republic of Viet Nam (North Viet Nam), Resolution No. 49 NQ/TVQH of 1961, which permits indefinite detention without trial for "obstinate counter-revolutionary elements" and "all professional scoundrels".

Amnesty International considered the continued detention for "re-education" of several thousand people merely because of their position under various governments of the Republic of Viet Nam (South Viet Nam) and the automatic assumption by the Vietnamese Government that all those so detained were guilty of "serious crimes against the people" to be inconsistent with international legal standards. In particular, Amnesty International believed these practices to be incompatible with the provisions of the International Covenant on Civil and Political Rights, to which Viet Nam became a party in September 1982, relating to arbitrary detention, the right to fair trial and the right to be presumed innocent until proved guilty. Such detention may also violate the important legal principle of non-retroactive penalization because detainees are held on the basis of legislation enacted after the reunification of the country.

In an interview with a correspondent of the *Far Eastern Economic Review* in April 1983, Phan Hien, the Minister of Justice, stated that there were some 10,000 prisoners remaining in "re-education" camps. He also stated that the Council of State had sent delegations to check conditions in the "re-education" camps in 1982 to ensure they were satisfactory and to review individual cases. There were indications that such checks became more regular in 1983 and that the Vietnamese Government was considering closing many "re-education" camps to allow released prisoners to return to their homes, where local organizations would be responsible for them. In the interview cited above Justice Minister Phan Hien indicated that this system of "re-education in place" would first be tried on criminal detainees to gauge its effectiveness before being applied in political cases. However, there was no subsequent evidence that this policy was being enacted.

The criteria the authorities used to evaluate the degree of "re-education" attained by a prisoner and whether he or she might be released were difficult to assess. In many cases the prisoner's state of health and behaviour during detention were apparently considered. Small groups of prisoners seemed to be released regularly to celebrate important dates in the Vietnamese calendar. While Amnesty International knows of generals and other former senior military officers having been released, many junior officers, often involved only in administration before 1975, remained in detention.

Information on a number of individuals held for "re-education" since 1975 indicated that they had had no responsibility for the conduct of combat during the war and indeed, in some instances, that they opposed the policies of former South Vietnamese President Nguyen Van Thieu: Dr Truong van Quynh, aged 62, a former hospital director in Saigon, and the writer and literary critic Ly Dai Nguyen, a member of the opposition to President Thieu, had both been detained for more

eight years without charge or trial and were adopted by Amnesty International as prisoners of conscience.

Amnesty International continued to receive reports that many detainees in "re-education" camps were suffering from serious illnesses including malaria, tuberculosis, heart ailments and malnutritional disorders. Amnesty International has had a long-standing concern about the detention of old or seriously sick prisoners in "re-education" camps where medical facilities tend on the whole to be inadequate. Among the cases known to Amnesty International was that of Do Trong Hue, a former army colonel and lecturer, detained in the Ha Son Binh "re-education" camp and suffering from advanced tuberculosis, beriberi and a fractured collarbone. Dr Ly Trung Dung, a medical doctor and former member of parliament was also in markedly poor health, suffering from a serious leg injury sustained in the 1950s. Both detainees had been imprisoned for more than eight years and were adopted by Amnesty International as prisoners of conscience.

In December 1983 Amnesty International learned of the death in November of Vo van Hai, who was aged 64 and a former aide to ex-President Ngo Dinh Diem from 1954 to 1963. He was being held in Camp 1870, Xuan Phuoc, Phu Khanh province, suffered from a kidney complaint and a weak heart and had been detained since January 1977 without charge or trial. In December 1982 Amnesty International had written to Prime Minister Pham van Dong appealing for Vo van Hai's early release in view of his ill-health, citing Article 7 of Provisional Revolutionary Government Policy Statement 02/CS/76 which stipulated that detainees in "re-education" camps who were old or seriously ill would be released with the guarantee of their families.

In addition to the large number of people detained when the former South Vietnamese Government collapsed in 1975, many others were subsequently detained on political grounds without trial, including a number of intellectuals arrested in the late 1970s whom Amnesty International adopted as prisoners of conscience. Among them were the well-known artist and writer Nguyen Hai Chi (alias Choe), the writer Nguyen Sy Te and the lawyer and former student leader Nguyen Huu Giao. Giao was one of the authors and signatories of the "Declaration of Disinherited Vietnamese on Human Rights" and had been detained since 1977 in the Xuan Phuoc "re-education" camp. Other writers, including some from northern Viet Nam, were also detained in recent years. Poet Bui Hoang Cam, for example, a former Communist Party member and battalion commander in the Viet Minh, was arrested in August 1982 and accused of having "cultural relations with foreigners" after having allegedly attempted to send a collection of his verse, banned since 1958, out of the country. He was not formally charged or tried.

Throughout 1983 Amnesty International appealed to the

government on behalf of several lay Roman Catholics and priests whom it believed to be detained for their conscientiously held beliefs. Among those reportedly detained were Monsignor Nguyen van Thuan, whom members of an Amnesty International mission to Viet Nam had met near Hanoi in December 1979 and who had previously been detained without charge or trial between 1976 and 1978. Another priest whom Amnesty International adopted as a prisoner of conscience was Father Tran van Khoa, who had been a missionary and social worker with members of the ethnic minority in central Viet Nam before his arrest in May 1975.

Four Roman Catholic priests, including the senior Jesuit in the country, were among seven people sentenced to between three years' and life imprisonment in June after they had been convicted of "plotting to overthrow the government and disseminating counter-revolutionary propaganda". All seven men, detained for two and a half years before their trial, were adopted by Amnesty International as prisoners of conscience. Six others, including three Jesuits and a Dominican priest, were released after the trial with suspended sentences or an official warning. The trial lasted only three days and was seriously prejudiced beforehand when several press commentaries denounced the detained men as "reactionaries" and "counter-revolutionaries". The leader of the Jesuit community in Viet Nam, Father Nguyen Cong Doan, received a 12-year prison sentence. Others sentenced were Nguyen van Hien, Father Le Thanh Que, Father Do Quang Chinh, Hoang Kim Khanh, Brother Pham Huu Lai and Truong van Tuyen.

On a number of occasions in 1983 Amnesty International appealed to the authorities to commute death sentences imposed by the courts. In April the organization appealed on behalf of Phan van Khoi, Hoang Tung and Mac van Vy, three men who had been found guilty of subversion and whose execution it feared was imminent. In July Amnesty International appealed on behalf of another man convicted of "counter-revolutionary activity", Nguyen Huu Cau. The following month two other men, Nguyen Huan Huynh and Chuon Bin Tan, were sentenced to death for subversion.

Executions have rarely been announced by the Vietnamese authorities in recent years. However it was officially admitted in June 1983 that four men had been executed on 31 May in Ho Chi Minh City. Two had been convicted of murder and two of plotting against the state. The two men found guilty of subversion, Nguyen van Hoang and Tran Quang Man, had been sentenced to life imprisonment in November 1981 but as a result of a prosecution appeal had later received death sentences.